

LAWS OF BRUNEI

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CHAPTER 127

MISCELLANEOUS LICENCES

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SCHEDULE



MISCELLANEOUS LICENCES ACT

An Act to make provision for the licensing, regulation and control of certain commercial places and activities and for purposes incidental thereto 6 of 1979

Commencement: 1st January 1983 S.30/83

1. This Act may be cited as the Miscellaneous Licences Act. Short title

2. (1) It shall be lawful for His Majesty the Sultan and Yang Di-Pertuan in Council by regulations to provide for — Regulations
 - (a) licensing, regulation and control of any place, trade or business or occupation specified in the Schedule;
 - (b) defining and classifying for the purpose of paragraph (a) any place, trade, business or occupation for which a licence may be issued under this Act;
 - (c) the form and conditions of any licence granted under this Act, the authority who may issue such licence and the fees thereof, and the period for which such licence shall be issued;
 - (d) precautions to be taken against fire in any place licensed under this Act;
 - (e) maintenance of peace and good order in any place licensed under this Act;
 - (f) means of securing hygienic conditions and requiring the maintenance of such conditions in any place licensed under this Act;

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(g) entry and inspection of any place licensed under this Act;

(h) exempting any place, trade, business or occupation situated or carried on within specified areas; or opened or carried on by any person or class or persons from the operation of this Act, or of any part thereof or of any regulations made thereunder, and specifying and varying the boundaries of such areas; and

(i) generally carrying into effect the provisions of this Act.

(2) His Majesty in Council may by regulation amend the Schedule to this Act.

Prohibition
of trading
etc. without a
licence

3. No person shall open or keep open any place, or conduct any trade, business or occupation specified in the Schedule except under and in accordance with a licence issued under this Act.

Grant of li-
cences re-
vocation and
appeals

4. (1) Subject to the provisions of subsection (3) of this section the grant of any licence issued, or to be issued under this Act shall be in the absolute discretion of the licensing authority.

(2) The licensing authority may revoke a licence granted to any person on proof to his satisfaction of an offence against this Act or other misconduct by such person.

(3) An appeal shall lie to the Minister from the decision of the licensing authority under this section.

Search war-
rants

5. If it is made to appear to a magistrate by information upon oath that there is reason to believe that an offence against this Act is being committed in any place, the magistrate may issue a warrant authorising any police officer to enter and search such place and to arrest such persons and to seize such documents and things as may be found therein.

6. Every person who contravenes any provision of this Act or of any regulation made thereunder or who fails to observe any condition or restriction imposed by or under this Act shall be deemed to commit an offence against this Act.

Offences

7. (1) Every person who commits or attempts to commit any offence against this Act shall be guilty of an offence: Penalty, a fine of \$10,000.

Penalty

(2) Notwithstanding the provisions of any written law to the contrary the Court of a Magistrate shall have jurisdiction to try any offence under this Act and to award the full penalty for such offence.

8. Where an agent or servant, in the course of his employment, does or omits to do, an act the doing of which or omission to do which by his principal or employer would be an offence against this Act or any regulation made thereunder he shall be guilty of that offence, and, where it is proved that such act or omission was committed with the consent or connivance of, or is attributable to any neglect on the part of, his principal or employer, such principal or employer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Servants and agents

9. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other written law relating to or affecting any place, trade, business or occupation with respect to which this Act applies.

Savings

10. Notwithstanding anything contained in this Act, a person who immediately before the date of commencement of this Act or of any regulation under subsection (2) of section 2 (amending the Schedule) was keeping open any place or was carrying on any trade, business or occupation specified in the Schedule, shall be entitled to do the same without a licence —

Transitional provisions

(a) for a period of 12 months beginning from date of commencement of this Act; and

(b) or the date of the commencement of any regulation under subsection 2 of section 2 (amending the Schedule); and

(c) if before the expiration of that period he applies for a licence in respect of the same, until the licence is granted or finally refused or the application is withdrawn.

SCHEDULE

(Section 2 (1) (a))

(a) Coffee shops, eating houses, boarding houses, lodging houses or other places of public resort and entertainment;

(b) Hawkers;

(c) Motor vehicle dealer ;

(d) Petrol station including places for storing petrol and inflammable materials;

(e) Retail shop;

(f) Timber store and furniture factories;

(g) Workshop.